

BEFORE THE TENNESSEE REGULATORY AUTHORITY RECEIVED
REGULATORY UNIT.

NASHVILLE, TENNESSEE

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October 25, 1999

EXECUTIVE SECRETARY

IN RE:

PETITION FOR ARBITRATION BY
ITC^DELTACOM COMMUNICATIONS,
INC. WITH BELLSOUTH
TELECOMMUNICATIONS, INC.,
PURSUANT TO THE
TELECOMMUNICATIONS ACT OF 1996

DOCKET NO. 99-00430

REBUTTAL TESTIMONY OF MICHAEL THOMAS
ON BEHALF OF ITC^DELTACOM COMMUNICATIONS, INC.

FILE

1 Q: PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS.

2 A: My name is Michael Thomas. I am Director - Information Services for ITC^DeltaCom
3 Communications, Inc., ("ITC^DeltaCom"), and my business address is 8830 U.S. Hwy
4 231, Arab, Alabama 35016.

5 Q: ARE YOU THE SAME MICHAEL THOMAS THAT FILED DIRECT TESTIMONY
6 IN THIS PROCEEDING?

7 A: Yes, I am.

8 Q: WHAT IS YOUR PURPOSE IN TESTIFYING TODAY?

9 A: The purpose of my testimony is to respond to some of the arguments made by BellSouth's
10 witnesses in this Docket. I would also like to clarify ITC^DeltaCom's position and
11 provide additional information on a number of issues raised by BellSouth's witnesses in
12 their direct testimony.

13 **ISSUE 2(b): PURSUANT TO THE DEFINITION OF PARITY, SHOULD**
14 **BELLSOUTH BE REQUIRED TO PROVIDE OPERATIONAL SUPPORT**
15 **SYSTEMS ("OSS")? IF SO, UNDER WHAT CONDITIONS?**

16 Q: DO YOU AGREE WITH MR. PATE THAT BELLSOUTH CURRENTLY
17 PROVIDES NONDISCRIMINATORY ACCESS TO ITS OPERATIONAL SUPPORT
18 SYSTEMS AS REQUIRED BY THE ACT AND FCC ORDERS?

1 A: No. My understanding is that BellSouth must provide OSS to ITC^DeltaCom in a manner
2 that is equal to or at parity with that which BellSouth provides to itself, as discussed in
3 my direct testimony. In addition, Paragraph 520 of the FCC's First Report and Order
4 concludes that nondiscriminatory access to OSS (i.e. the functions of pre-ordering,
5 ordering, and provisioning, maintenance and repair, and billing for network elements and
6 resale services) is technically feasible. Nondiscriminatory access means that whatever
7 access BellSouth provides to itself, BellSouth must provide "equally" to ITC^DeltaCom.
8 ITC^DeltaCom is extremely concerned with BellSouth's position expressed by witness
9 Pate that BellSouth will not provide ITC^DeltaCom "with any additional OSS." This
10 cavalier statement is in direct conflict with the requirements of the Act, FCC Orders and
11 state Commission Orders that require BellSouth to provide nondiscriminatory access to
12 pre-ordering, ordering, provisioning, maintenance and repair and billing. As stated above
13 and in my direct testimony, if ITC^DeltaCom requests that BellSouth's OSS be unbundled
14 and it is technically feasible to do so, BellSouth must comply.

15 Q: ON PAGE 5 OF HIS DIRECT TESTIMONY, MR. PATE OPINES THAT
16 BELL SOUTH'S OSS WORK BECAUSE CLECS USE THEM TO SUBMIT LOCAL
17 SERVICE REQUESTS. PLEASE COMMENT.

18 A: CLECs use electronic interfaces to BellSouth's OSS because it is, or at least should be,
19 more efficient to submit electronic orders than manual orders for both the CLEC and
20 BellSouth. As illustrated in Exhibit 1 attached to my direct testimony, ITC^DeltaCom
21 submits the vast majority of its orders electronically to BellSouth. This however does not

1 mean that BellSouth's OSS work in the same time and manner as BellSouth's retail
2 systems, such that ITC^DeltaCom has a meaningful opportunity to compete. To provide
3 local exchange service it is imperative that CLECs have OSS that provide
4 nondiscriminatory access, especially when, and if, commercial volumes of orders are sent
5 between local exchange carriers. In order to compete in the local market, CLECs must
6 be able to receive information and submit electronic orders as easily, and in substantially
7 the same time as the incumbent LEC. As clearly shown in Exhibit 1 attached to my direct
8 testimony, ITC^DeltaCom has not received nondiscriminatory access to BellSouth's OSS.
9 BellSouth's lack of performance for even the simplest resale orders causes ITC^DeltaCom
10 great concern. Perhaps even more troubling is that BellSouth is having such great
11 difficulty with such a low volume of CLEC orders. While the number of electronic orders
12 submitted by ITC^DeltaCom and CLECs in the aggregate have increased, BellSouth still
13 controls more than 95% of its local market. As BellSouth witness Pate states, "[t]he facts
14 speak for themselves."

15 **ISSUE 2(A)(I)(2): SHOULD BELL SOUTH BE REQUIRED TO PROVIDE A**
16 **DOWNLOAD OF THE REGIONAL STREET ADDRESS GUIDE ("RSAG")? IF**
17 **SO, HOW?**

18 Q: PLEASE EXPLAIN WHY ITC^DELTACOM NEEDS THE REGIONAL STREET
19 ADDRESS GUIDE RATHER THAN ACCESS TO THE RSAG THROUGH LENS OR
20 TAG AS SUGGESTED BY BELL SOUTH'S WITNESS PATE (p.6).

21 A: BellSouth claims that it is providing nondiscriminatory access to its OSS in a manner that
22 allows ITC^DeltaCom and other CLECs to access the RSAG. That broad claim is an

1 attempt to avoid the issue. As stated in my direct testimony, ITC^DeltaCom needs access
2 to the address and facility availability information resident in BellSouth's RSAG. Only
3 with such access can ITC^DeltaCom incorporate this information into its back office
4 systems to check the validity of the customer's address and the facilities available at the
5 customer's location. ITC^DeltaCom has experienced significant problems with orders
6 being rejected due to the customer's wrong address being keyed into the order. By
7 incorporating the correct address information into our back office systems,
8 ITC^DeltaCom will be able to submit accurate customer address information to
9 BellSouth. As noted in my direct testimony, BellSouth does not re-key address
10 information into its orders, and ITC^DeltaCom should not be required to do so. Further,
11 as discussed above, ITC^DeltaCom does not use TAG, nor should ITC^DeltaCom be
12 required to implement yet another OSS interface just to receive "nondiscriminatory
13 access" to the OSS information that BellSouth controls.

14 Q: ON PAGE 12 OF HIS DIRECT TESTIMONY, BELLSOUTH WITNESS PATE
15 STATES THAT ITC^DELTACOM'S INCLUSION OF TAG IN THE PARTIES'
16 DRAFT INTERCONNECTION AGREEMENT IS INCONSISTENT WITH
17 ITC^DELTACOM'S ACTIONS TO DATE. PLEASE COMMENT.

18 A: ITC^DeltaCom included the TAG interface in the parties' interconnection agreement to
19 preserve its right to implement TAG, whether we choose to do so or not. LENS is not
20 capable of integrating with EDI. Therefore, ITC^DeltaCom must re-enter its pre-ordering
21 information into its ordering interfaces. According to witness Pate, ITC^DeltaCom can

1 implement the TAG pre-ordering interface to eliminate the need to rekey information from
2 one interface to another. However, when ITC^DeltaCom began providing local service,
3 LENS and EDI were the only electronic interfaces available for submitting LSRs to
4 BellSouth. BellSouth has now developed the Telecommunications Access Gateway
5 ("TAG") interface and claims that it is integratable with EDI. While this may be true,
6 ITC^DeltaCom believes that it would take at least twelve months to build the TAG
7 interface. Based on ITC^DeltaCom's experiences with BellSouth's "nondiscriminatory"
8 LENS and EDI interfaces, ITC^DeltaCom is very concerned that the TAG interface may
9 also fail to provide nondiscriminatory access to BellSouth's operations support systems.
10 Further, if TAG fails to provide nondiscriminatory access, where does that leave
11 ITC^DeltaCom? ITC^DeltaCom is a small company and cannot continually develop
12 expensive interfaces in hopes that the next one developed will provide nondiscriminatory
13 access. It is unfortunate that ITC^DeltaCom is now in the position of developing yet
14 another BellSouth interface as BellSouth was required by the FCC at Paragraph 525 in
15 Docket No. 96-98, Order No. 96-325 to develop a nondiscriminatory interface by January
16 1, 1997. In Paragraph 527 of the same Order, the FCC further stated that each incumbent
17 LEC was to provide access to its support systems through a nationally standardized
18 gateway, which "would eliminate the need for new entrants to develop multiple interface
19 systems, one for each incumbent" LEC. It is now almost three years later and such an
20 interface has yet to be provided to ITC^DeltaCom. Not only does ITC^DeltaCom not
21 have one nationally standardized interface, ITC^DeltaCom will, if TAG is developed, have
22 developed three interfaces for BellSouth alone. Further, TAG is a BellSouth proprietary

1 interface that cannot be used with any other ILEC. Certainly ITC^DeltaCom, and all
2 CLECs, should not have to develop endless numbers of interfaces - a situation the FCC
3 expressly stated should not occur. Therefore, ITC^DeltaCom has requested a download
4 and subsequent updates of the RSAG database, so that ITC^DeltaCom can use the
5 address information to populate its orders without having to rekey information. This will
6 enable ITC^DeltaCom to perform this function in a similar time and manner and with the
7 same level of accuracy as BellSouth does in its retail operations.

8 **ISSUE 2(a)(ii): SHOULD BELL SOUTH BE REQUIRED TO PROVIDE**
9 **CHANGES TO ITS BUSINESS RULES AND GUIDELINES REGARDING**
10 **RESALE AND UNEs AT LEAST 45 DAYS IN ADVANCE OF SUCH CHANGES**
11 **BEING IMPLEMENTED? IF SO, HOW?**

12 Q: WHAT IS YOUR UNDERSTANDING OF BELL SOUTH'S POSITION REGARDING
13 ISSUE 2(a)(ii)?

14 A: BellSouth claims that it posts all business rule and guideline change notifications on its
15 website 30 days prior to the implementation of the change or rule. Further, Mr. Pate
16 states on page 14 that this is done "[a]s a matter of courtesy." According to Mr. Pate,
17 BellSouth has "no legal or mandated obligation" to provide notification of changes to
18 business rules that will directly affect BellSouth's customers, such as ITC^DeltaCom. The
19 Commission should expressly reject Mr. Pate's contentions. By not providing sufficient
20 notification, and by not being contractually obligated to do so, BellSouth is able to make
21 changes to its business rules and guidelines at will. Such a practice has severe implications
22 for all CLECs, including ITC^DeltaCom and creates an enormous opportunity for

1 anticompetitive abusive practices. As a customer of BellSouth, ITC^DeltaCom must have
2 sufficient notification of changes to business rules and guidelines in order to ensure that
3 service to our customers is not disrupted. Otherwise, ITC^DeltaCom's business
4 operations are jeopardized. I urge the Commission to require BellSouth to provide 45
5 days advance notification of changes to business rules and guidelines for the reasons
6 stated in my direct testimony and enumerated above. Specifically, ITC^DeltaCom requests
7 that BellSouth be required to provide advance notice to designated ITC^DeltaCom
8 personnel of changes to BellSouth business rules and guides that would affect a CLEC's
9 operations via e-mail or facsimile, whichever is more convenient to BellSouth.

10 Q: DOES BELL SOUTH ALWAYS PROVIDE ADVANCE NOTICE TO BUSINESS
11 RULE CHANGES?

12 A: No. Although Mr. Pate asserts that BellSouth does provide advance notice,
13 ITC^DeltaCom has found instances where BellSouth does not communicate such changes.

14 Q: PLEASE PROVIDE AN EXAMPLE.

15 A: For example, on June 8, 1999, ITC^DeltaCom began receiving clarifications for orders
16 that contained hunting. Hunting is a common feature requested by small and large business
17 customers. Hunting allows a call to roll over to the next available line. The clarification
18 from BellSouth stated that the rotary page did not match the hunting sequence. After
19 investigation, we learned that the rotary page is a screen on the BellSouth proprietary
20 system. The LEO guides do not have any documentation of such a page. Basically,

1 BellSouth implemented a new rule without issuing documentation. This particular
2 example has been resolved with BellSouth but provides an excellent example to the
3 Commission illustrating the problems associated with BellSouth's approach to business
4 rule change communications. In this case, BellSouth has agreed not to implement this
5 new rule until we have implemented the change in our system. BellSouth should be
6 directed to take this approach in every case.

7 **ISSUE 2(G): SHOULD "ORDER FLOW-THROUGH" BE DEFINED IN THE**
8 **INTERCONNECTION AGREEMENT? IF SO, WHAT IS THE DEFINITION?**

9 Q: BELLSOUTH'S WITNESS, MR. PATE, STATES THAT IT IS NOT NECESSARY TO
10 DEFINE "FLOW-THROUGH" IN THE PARTIES' INTERCONNECTION
11 AGREEMENT? PLEASE COMMENT.

12 A: ITC^DeltaCom believes that order flow-through should be defined in the parties'
13 interconnection agreement. Order flow through is one of the Performance measurements
14 contained in Attachment 10. Put simply, without a definition, this measurement cannot be
15 accurately recorded.

16 Q: WHAT IS YOUR UNDERSTANDING OF BELLSOUTH'S DEFINITION OF
17 "FLOW-THROUGH"? (Pate pp.16-17)

18 A: Apparently, BellSouth has defined order flow-through differently for CLECs than for
19 itself. As defined by BellSouth, order flow through for BellSouth includes taking
20 information directly from its customer, and while the customer is on-line with the
21 BellSouth representative, inputting the information into BellSouth's ordering system. In

1 essence, BellSouth has created the entire order and completed the pre-ordering and
2 ordering steps while the customer is on-line.

3 For CLECs, however, BellSouth defines order flow through as starting when "the
4 complete and correct electronically-submitted LSR is sent via one of the CLEC
5 ordering interfaces (EDI, TAG, or LENS)." Under this definition, BellSouth has ignored
6 the pre-ordering part of this process, as Mr. Pate affirms on page 17 of his testimony.
7 This means that BellSouth is comparing the time it takes itself to complete the
8 pre-ordering and ordering steps verses the time it takes for a "complete and correct"
9 electronic order submitted by ITC^DeltaCom to work its way through BellSouth's
10 systems. By making this comparison, BellSouth cannot demonstrate through performance
11 measures whether or not it is providing parity in order flow-through.

12 Q: DO THE MAJORITY OF ITC^DELTACOM'S ELECTRONICALLY SUBMITTED
13 ORDERS FLOW-THROUGH?

14 A: No. ITC^DeltaCom is very concerned with the manual fallout rate of ITC^DeltaCom's
15 electronically submitted orders. The OSS systems used by ITC^DeltaCom simply cannot
16 support the small business customers for which ITC^DeltaCom submits most of its orders.
17 As Mr. Pate affirms, BellSouth has designed its OSS to force these electronically
18 submitted orders to be manually handled by BellSouth employees because BellSouth
19 considers these orders to be "complex." The irony is that once ITC^DeltaCom's
20 electronically submitted orders "fall out," BellSouth's LCSC takes ITC^DeltaCom's orders
21 and rekeys them into BellSouth's Service Order Negotiation System ("SONGS").

1 BellSouth's SONGS system is BellSouth's business retail ordering interface, which
2 ITC^DeltaCom does not have access to. Thus, it is my understanding that
3 BellSouth can process ITC^DeltaCom's orders electronically through its retail ordering
4 system, but the same orders submitted electronically by ITC^DeltaCom do not flow
5 through electronically, rather, they are "designed" to "fall out" for manual handling by
6 BellSouth. This means that ITC^DeltaCom is dependent upon the BellSouth
7 representative to timely and accurately rekey ITC^DeltaCom's order into BellSouth's
8 system. Thus, BellSouth controls the process of how quickly and accurately
9 ITC^DeltaCom's orders are processed. To eliminate this manual intervention, which is not
10 efficient for either party, ITC^DeltaCom respectfully requests that the Commission require
11 BellSouth to electronically map these orders that currently fall out for manual handling
12 into SONGS from the existing EDI ordering system.

13 **ISSUE 3(M): WHAT TYPE OF REPAIR INFORMATION SHOULD**
14 **BELLSOUTH BE REQUIRED TO PROVIDE TO ITC^DELTACOM SUCH**
15 **THAT ITC^DELTACOM CAN KEEP THE CUSTOMER INFORMED?**

16 Q: ON PAGE 25 OF HIS TESTIMONY, MR. PATE CLAIMS THAT BELLSOUTH
17 PROVIDES ITC^DELTACOM WITH NON-DISCRIMINATORY ACCESS TO
18 MAINTENANCE AND REPAIR OSS. PLEASE COMMENT.

19 A: ITC^DeltaCom agrees with Mr. Pate that BellSouth's maintenance and repair interfaces
20 must allow ITC^DeltaCom and other CLECs to enter customer trouble tickets into the
21 BellSouth maintenance system, retrieve and track the current status of ITC^DeltaCom
22 repair tickets, and receive an estimated time to repair on a real-time basis. However, it is
23 critical that BellSouth also provide ITC^DeltaCom the ability to receive timely notification

1 if a repair technician is unable or anticipates being unable to meet a scheduled repair,
2 retrieve a list of itemized time and material charges at the time of ticket closure, provide
3 test results, and electronically notify ITC^DeltaCom when the trouble is cleared.

4 It is my understanding that BellSouth agreed that it could provide timely notification if a
5 repair technician is unable or anticipates being unable to meet a scheduled repair,
6 provide test results, and notify ITC^DeltaCom when the trouble is cleared via the TAFI
7 electronic interface. Therefore, it is unclear to me why Mr. Pate omitted these
8 capabilities from the functions he lists in his testimony. In addition, it is also my
9 understanding that BellSouth's electronic maintenance interfaces can not currently retrieve
10 a list of itemized time and material charges at the time of ticket closure. ITC^DeltaCom is
11 indifferent as to whether BellSouth sends itemized time and material charges for
12 maintenance and repair to ITC^DeltaCom via an electronic interface or some other means.
13 The issue is that ITC^DeltaCom must receive sufficient information in order to verify the
14 charges incurred for maintenance performed by BellSouth. This would include all time and
15 material charges, itemized by time spent, price of materials used, procedures employed,
16 amounts incurred in each such category, and total by customer, per event. Therefore, as
17 stated in my direct testimony, and reiterated above, the information being requested by
18 ITC^DeltaCom is required in order for ITC^DeltaCom to track the resolution of its
19 customers' troubles and to be able to inform ITC^DeltaCom customers of the status of
20 their repair. Further, ITC^DeltaCom must receive timely billing information in order to
21 verify the charges that it incurs for maintenance performed by BellSouth. Without this
22 information, ITC^DeltaCom can not provide the level of service which our customers

1 expect us to provide, accurately bill our end-user and verify BellSouth's charges, nor can
2 BellSouth claim that it is providing non-discriminatory access to maintenance information
3 and interfaces.

4 Q: DOES THIS CONCLUDE YOUR TESTIMONY?

5 A: Yes. But I must note that information provided by BellSouth through discovery may have
6 a great impact on my testimony. For that reason, I think it is crucial that I be permitted to
7 incorporate the impact of such information into my final presentation to the Commission.